

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the foregoing amendment and the following remarks. Claims 1-20 were previously pending in the application. Claims 21-60 have been previously withdrawn. Claims 1, 6, 11, 16 and new claim are 61 are independent claims. Applicants have added claim 61 and submit that there is support for new claim throughout the specification, for example on pages 21-22. Applicants submit that no new matter has been added by way of this Amendment.

Rejections under 35 USC § 102

Claims 1-20 have been rejected under 35 U.S.C. § 102(e), in view of Abramson, US Patent Number 6,539,494, ("Abramson"). Applicants respectfully submit the cited reference, fails to teach, disclose or suggest each of the limitations of the pending claims.

I. Independent Claim 1 Is Patentably Distinct From Abramson

MPEP § 706.2 requires that for a § 102 rejection "the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." (See, MPEP § 706.02) (emphasis added).

Therefore, Applicants submit that the Examiner's response (in the Office Action dated January 13, 2005, pages 3-4) forms an improper basis for a § 102 rejection. Specifically, regarding Abramson's "updating" element, the Examiner states: "various types of updating are taught and language identical or verbatim is not required in an obvious rejection. Note that reasonable 'inferences' and 'common sense' may be considered in formulating rejections for

obviousness." (See, Office Action, page 4, ¶1.) Applicants submit that Examiner has misapplied a § 103 *prima facie* obviousness standard, in constructing a § 102 anticipation rejection.

Applicants acknowledge that inherent disclosure in certain instances may be an acceptable for the basis of a § 102 rejection. However, Applicants submit that, "The fact that a certain result of characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." (See, MPEP § 2112, IV "Examiner Must Provide Rationale or Evidence Tending to Show Inherency"). Simply asserting that that Abramson generally discusses 'updating data' does not render claim 1 anticipated. Applicants submit Abramson does not teach every aspect of the invention recited in independent claim 1, either explicitly or impliedly.

For example, claim 1 recites, *inter alia*, "A session state method comprising: updating the session information based on the current and corresponding session key; validating the user provided information; [and] posting the user provided information to an information server if the user provided information is validated." Applicants submit that the Examiner has not established that Abramson teaches at least:

- a.) updating the session information based on the current and corresponding session key;
- b.) validating the user provided information; or
- c.) posting the user provided information to an information server if the user provided information is validated.

as recited in independent claim 1.

Instead, the cited passages in Abramson discuss a method for providing data if the "[original] application server is not available..." (See. Col. 4, lines 24-39). As discussed in Col. 4, Abramson simply provides backup data if the original application server fails. More specifically,

Abramson discusses, "the new application server recovers the user's session data (step 245). That session data is reconstituted into a newly created session, with a new session ID (step 250), so that subsequent requests will be routed directly to the newly assigned application server 24b." (See, Col. 4, lines 59-65). Accordingly, Applicants submit that generally backing up data and providing a transition to a new application server if communications fail, as in Abramson, does not teach or suggest the elements recited in independent claim 1. Accordingly, Applicants submit that independent claims 1, 6, 11 and 16 are not anticipated by Abramson.

II. New Independent Claim 61 Is Patentably Distinct from Abramson

Furthermore, Applicants submit that Abramson does not teach every aspect of the claimed invention recited in independent claim 61, either explicitly or impliedly.

New independent claim 61 recites, *inter alia*:

A method for facilitating persistent data management sessions, comprising:

recalling session information based on a current and corresponding session key upon traversal of a web form segment, wherein the session information includes a series of session updated data...

updating the session information based on the current and corresponding session key;

validating the user provided information; and

posting the user provided information to an information server if the user provided information is validated.

Applicants respectfully submit that Abramson does not teach "recalling session information...wherein the session information includes a series of session updated data..." as recited in independent claim 61. Moreover, as discussed above, Applicants submit that that Abramson does not teach or suggest:

- a.) updating the session information based on the current and corresponding session key;
- b.) validating the user provided information; or

c.) posting the user provided information...if the user provided information is validated.

Therefore, Applicants submit that Abramson's system for facilitating data backup and transitioning to a new application server when communications fail does not anticipate recalling a series of session data; updating session information on the current and corresponding session key; validating or posting user information, as recited in new independent claim 61.

CONCLUSION

Applicants respectfully submit that for at least these reasons independent claims 1 and 61 are patentably distinct from Abramson. For at least similar, reasons, Applicants submit that independent claims 6, 11 and 16 are also patentably distinct from Abramson. Furthermore, Applicants submit that pending claims 2-5, 7-10, 12-15 and 17-20 (which are directly or indirectly dependent from the independent claims 1, 6, 11 or 16, respectively) are also patentably distinct from Abramson for at least similar reasons. Therefore, Applicants request withdrawal of this ground of rejections.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17200-623. In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17200-623.

Respectfully Submitted,
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